IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11299 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMESHBHAI ALIAS KANTI ISHWARBHAI VASAVA

Versus

STATE OF GUJARAT

Appearance:

MS KU MISHRA for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/02/2001

ORAL JUDGEMENT

#. Challenge has been made by the petitioner to the order dated 13-9-2000 of the District Magistrate, Bharuch under which he was detained as a bootlegger.

#. One of the contentions raised is that the respondents

have not supplied to the petitioner the copy of the bail order passed in Chapter Case No.40/2000 under section 93 of Prohibition Act.

#. This factual aspect has not been controverted by the respondents and as a result of which the same stand uncontroverted. It is a case where vital and relevant document has not been supplied to the petitioner and as such he has been denied of his right of making effective representation against the detention order as conferred upon him under Article 22(5) of the Constitution of India.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 13-9-2000 is quashed and set aside. The petitioner Rameshbhai alias Kanti Ishwarbhai Vasava, the detenu, at present in Sabarmati Central Prison at Ahmedabad be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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